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EVIDENCE—PRIVILEGED COMMUNICATIONS—PROFESSIONAL NURSE AND PATIENT.—Action on policy of insurance. *Held*, following Chapter 331, Laws of 1904, that the defendant was not entitled to examine a professional nurse in regard to the ailment from which the plaintiff was suffering at the time the witness attended her as such nurse. *Homnyack v. Prudential Ins. Co. of America*, (1909), — N. Y. —, 87 N. E. 769.

The relation of nurse and patient is so nearly akin to that of physician and patient that whatever throws light on the one will be of assistance in considering the other. Communications made while the latter relation exists were not privileged at common law in England nor in this country. *Duchess of Kingston's Case*, 20 How. St. Tr. 573; *Sherman v. Sherman*, 1 Root (Conn.) 486. As early as 1828, however, a statute was passed in New York establishing the privilege as regards communications made between physician and patient. N. Y. Rev. St. 1828, Vol. 2, 406. Since then similar statutes have been passed in one-half of the states. 4 WIGMORE, EVID., § 2380. New York has taken the lead in extending the privilege so as to include the relation of nurse and patient. It does not appear that as yet this innovation has been widely followed, and in the absence of such statutes as the one under consideration, the relation is not a privileged one and evidence of such communications is not inadmissible on the ground of privilege. What Mr. WIGMORE says as to the lack of a satisfactory basis for the privilege of physician and patient applies with equal force to that of nurse and patient. 4 WIGMORE, EVID., § 2380.

HEALTH—OFFERING FOR SALE CIGARETTE PAPER—STATUTORY PROVISIONS—INTERSTATE COMMERCE.—The defendant sold within the state a sealed package of smoking tobacco in which was a coupon to the effect that upon receipt of such coupons by the American Tobacco Co., in New York, the latter would send the transmitter a certain quantity of cigarette papers. *Held*, that defendant violated the statute prohibiting any person by himself or his agent, directly or indirectly or upon any pretense or device from selling, offering for sale, or otherwise disposing of cigarettes or cigarette papers. *State v. Sbragia* (1909), — Wis. —, 119 N. W. 290.

The decision of the court is certainly in accord with the spirit of the statute but where is the line to be drawn in enumerating devices which may evade the law? The dissenting opinion raises a point here which is hard to answer. Suppose these coupons were to be cut from a magazine. Would the sale of the magazine be illegal and both the seller within the state and the publisher without violators of the law? The opinion seems to require an affirmative answer. Then is not the law in violation of the interstate commerce clause? Both the defendant's attorney and the Attorney General argued, in the principal case, that it was. The court, however, took a different view and its opinion seems to find support in the cases of *Hart v. State*, 87 Miss. 171, and *In re Scheitlin*, 99 Fed. 272. These involved the sale of intoxicants and of oleomargarine under similar statutes. Perhaps the principal case is in accord with the authorities but questions may be asked which will raise doubts as to its soundness.